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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/538,202	06/09/2005	Chin Chang	US020504	1798
24737 7590 07/29/2008 PHILIPS INTELLECTUAL PROPERTY & STANDARDS P.O. BOX 3001 BRIARCLIFF MANOR, NY 10510				
EXAMINER				
ABDI, AMARA				
ART UNIT		PAPER NUMBER		
2624				
MAIL DATE		DELIVERY MODE		
07/29/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Advisory Action
Before the Filing of an Appeal Brief

Application No.

10/538,202

Applicant(s)

CHANG, CHIN

Examiner

Amara Abdi

Art Unit

2624

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 14 July 2008 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____
Claim(s) objected to: 3-8, 11-16 and 20
Claim(s) rejected: 1, 2, 9, 10, 17, 18 and 19
Claim(s) withdrawn from consideration: _____

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: see the continuation sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____
13. ☐ Other: _____.

/Brian Q Le/
Primary Examiner, Art Unit 2624

(a) Applicant argues that Giorgianni does not pertain to RGB filters. Giorgianni does not disclose any RGB filter. Giorgianni does not determine RGB filter set response characteristics.

In response to Applicant's arguments, the Examiner disagrees, because Giorgianni clearly shows MacAdam's filter equation# 12, (column 7, line 55-60), where each of elements $L^*.sub.PE.sbsb.i$, $a^*.sub.PE.sbsb.i$, and $b^*.sub.PE.sbsb.i$ represents MacAdam's filter, which is read as the RGB Filter. Ad shown inequation# 15, the difference of the these elements represents the error between the color matching function and the RGB filter, which could be read as a criteria function $DELTA.E^*.sub.ab$ as shown in Table I, Entry 7.

Therefore, the rejection of claim 1 under Giorgianni is proper and should be sustained.

(b) Applicant argues that the reason stated for the proposed combination of Giorgianni and Meynants make no sense.

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, the Examiner would like to point out the following precision:

Giorgianni et al. disclose a method for determining RGB filter set for RGB LED color sensing (column 31, line 48-66), (the RGB LED is read as scene illumination source), the method comprising:

constructing a criteria function describing an error between desired color matching functions and a spectral response of an RGB filter set (Fig. 11, column 11, line 35-40 and column 27-30), (the criteria function is read as $DELTA.E^*.sub.ab$), (see equation# 15, column 8, line 1-5).

determining RGB filter set response characteristics based on the criteria function (column 31, line 46-51).

Giorgianni et al. do not explicitly mention the determining of color estimation parameters for substantially optimal color estimation with the RGB filter.

Meynants et al., teaches the determining color estimation parameters (column 7, line 6-8, and column 8, line 5-15) for substantially optimal color estimation with the RGB filter set based upon the determined RGB filter set response characteristics (Figs. 1a, ab, column 6, line 35-38), (the estimating of the chrominance of pixels is read as the same concept as the estimating of color of pixels). (The criteria function has been disclosed by Giorgianni et al.)

All the elements of claim 1 are known by Giorgianni et al. and Meynants et al. references. The only difference is the combination of color estimation parameters with constructing a criteria function.

In addition, the KSR, states: "All the claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions, and the combination would have yield predictable results to one of ordinary skill in the art at the time of the invention" (Adapted from *Anderson's Black Rock Inc. v. Pavement Salvage Co.*)

Thus, it would have been obvious to one having ordinary skill in the art to use the color estimation parameters as thought by Meynants et al., with the criteria function as shown by Giorgianni et al., since the color estimation parameters could be used in combination with the criteria function to achieve the predictable results of delivering a performance image quality (column 2, line 24-25).

Therefore, the combination of Giorgianni et al. and Meynants et al. is proper.

Claims 2, 9, 10, 17, 18, and 19 are still not in good condition for allowance.